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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,761	09/30/2003	Bahador Ghahramani	20121C	6487
28133	7590	06/04/2004	EXAMINER	
RICHARD L. MARSH 4116 E. LATOKA SPRINGFIELD, MO 65809			MULLEN, THOMAS J	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/674,761	GHAHRAMANI, BAHADOR	
	Examiner	Art Unit	
	Thomas J. Mullen, Jr.	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09302003</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The patent number associated with parent application 10/234,259 (6664898) should be inserted on p. 1 of the specification in the appropriate place.
2. This application has been filed with claims numbered 20-39; in accordance with 37 CFR 1.126, these claims have been renumbered 1-20, respectively, for purposes of examination (the independent claims are now numbered 1, 16 and 20).
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "separably deployable neutralizing means" (claims 1, 16 and 20), the "line of sight transmitter" (claim 18) and the "Geo-Positional Satellite" (claim 19) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Regarding the "neutralizing means", the paragraph overlapping pp. 35-36 of applicant's specification teaches that when hazards are detected, "neutralizing agents may then be applied", and refers to the Yang publication (incorporated by reference) as "detail(ing) effective countermeasures". However, neither the "neutralizing means" per se, nor a means to deploy such neutralizing means, are depicted in any manner in the drawings.

Regarding the other elements, the drawings (see Fig. 6) do not show any specific means by which the remote station (265) communicates with the marker (10,10A), such as the recited "line of sight transmitter" or "Geo-Positional Satellite".

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the preamble of claims 1, 16 and 20, "(a) system of...notifying...an environmental hazard" is vaguely worded; perhaps "providing notification of" should replace "notifying".

In claims 1, 16 and 20, "separably deployable neutralizing means" (e.g., line 4 of claim 1) is indefinite as to what is being "neutralized", i.e. the function(s) associated with this recited "means" cannot be determined.

In claims 1, 16 and 20, "a means for controlling" (e.g., line 6 of claim 1) is indefinite as to what is being "controlled", i.e. the function(s) associated with this recited "means" cannot be determined.

In claims 1, 16 and 20, "a means for signaling" (e.g., line 6 of claim 1) is indefinite as to what is being "signaled", i.e. it is unclear from the context of these claims whether the "signaling" has anything to do with the communicating of "data" (claim 1), "at least one data stream" (claim 16) or "information" (claim 20), or whether the "signaling" serves some other purpose with respect to the field deployable marker; thus, the function(s) associated with this recited "means" cannot be determined.

In claim 2, lines 1-2, "a means for activating" is indefinite as to what is being "activated", i.e. the function(s) associated with this recited "means" cannot be determined.

In claim 3, it is unclear what is meant by an "onboard state" of the means for signaling.

In claim 4, it is unclear how or in what manner the phrase at the end of the claim, "wherein personnel may be present", further modifies the scope of the claim; for example, it is unclear if this phrase defines the "environmental condition" as being in a location where the personnel are normally (or may be) present, or has some other intended meaning.

In claims 5-6, lines 2-3 in each claim, "said position where said field marker has been deployed" lacks clear antecedent basis.

In claims 5-6, lines 2-3 in each claim, "an environmental condition consistent with...(a) position where said field marker has been deployed" is unclear as to what is meant by a "condition" being "consistent with" a "position" of an element per se; in particular, it is unclear how this recitation limits the type of "environmental condition" intended.

In claims 5-6, line 3 in each claim, "said means for activating changing said initial state" is indefinite as to what this "initial state" is changed to.

At the end of claim 6, "said means for activating changing said initial state upon detecting an elevated level of at least one hazard from said means for detecting..." is indefinite as to which element (the activating means or the detecting means), in fact, "detects" the elevated hazard level; put another way, "detecting...at least one hazard from said means for detecting" is vaguely worded as to the role of the "means for detecting".

In claims 11 and 13, line 3 in each claim, "said identification code" lacks clear antecedent basis (note "coded identification number" on line 2 in each claim).

At the end of claim 14, "the onboard state of said means for signaling" lacks clear antecedent basis (note the dependency of the claim), and it is unclear what is meant by an "onboard state" of the means for signaling (as mentioned above with respect to claim 3).

6. Claims 1-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

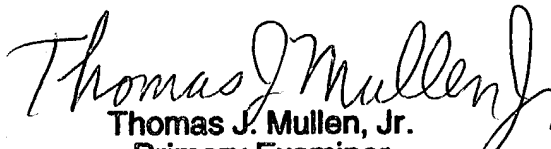
The art cited by applicant has been considered. Barditch (US 4704942) and Majerus et al (US 5936184) are cited to further show the state of the art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 703-305-4382. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TJM


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632